

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Allegation of acquisition of assets disproportionate to the known sources of his income against Sri G. Appa Rao, the then Commercial Tax Officer, Tenali, Guntur District (Now Retired) – Sanction accorded for prosecution – Charge sheet filed in the Hon’ble Court of III Additional District & Sessions Judge for Anti Corruption Bureau Cases, Visakhapatnam on 28.02.2011 – Placed before the Tribunal for Disciplinary Proceedings instead of Prosecution – Orders – Issued.

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REVENUE(VIGILANCE-II) DEPARTMENT

G.O.Ms.No.422

Dated:03-09-2016.

Read the following:-

- Ref:-1. From the DG,ACB, Rc.No.55/RCA-VSK/2006,
dated: 27-06-2006, (Preliminary Report).
2. Govt Memo No.27854/Vig.II(3)/2006- , Dated:12-07-2006.
3. From the DG,ACB, Rc.No.55/RCA-VSK/2006-1,
dated: 06-11-2008, (Final Report).
4. G.O.Ms.No.95, Rev(Vig.I) Dept, Dated: 04.02.2011.
5. Orders of the Hon’ble High Court, Dated:29.09.2014 in
W.P.No.25477/2010.
6. Representation of Sri G.Appa Rao, Commercial Tax Officer
(Retired), dated: 26.11.2015.

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ORDER:

Whereas, in the reference 1st read above, the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad has submitted preliminary report stating that on credible information that Sri Gedela Apparao S/o late Markendeyulu Commercial Tax Officer, Tenali-1, Guntur District amassed wealth by illegal and dubious means and thereby acquired assets disproportionate to his known sources of income in his name and in the name of his wife, children and others, a case in Cr.No.03/RC-ACB/VZM/2006 u/S 13(2) r/w 13(1)(e) of PC Act,1988 has been registered on 16.03.2006 . In pursuance of the search warrants issued by the III Additional District Sessions Judge-cum-Special Judge for Anti-Corruption Bureau cases, Visakhapatnam, simultaneous searches were conducted on 18.03.2006, on residential premises of Sri Gedela Apparao and his relatives and seized several files and other incriminating material pertaining to the assets, income and expenditure of Sri Gedela Apparao.

2. And whereas for the purpose of investigation the check period has been taken from 14.10.1974(i.e date of entry into service) to 18.03.2006 (i.e., the date of conducting of house searches).

3. Whereas in the reference 3rd read above, the Director General, Anti Corruption Bureau has furnished the final report to the Government, stating that during the course of searches and the material collected during the course of investigation revealed that during the check period, Sri Gedela Apparao S/o late Markendeyulu Commercial Tax Officer, Tenali-1, Guntur District acquired and was in possession of assets to a tune of Rs.45,74,744/- in his name and in his family members. The income of Sri Gedela Apparao, during the check period from all known sources of income comes to Rs.28,23,284/- and his total expenditure during the above said check period was calculated at Rs.18,79,509/-. The likely savings of Sri Gedela Apparao during the check period was Rs.9,43,775/-. Thus Sri Gedela Apparao was found in possession of disproportionate assets to his known sources of income Rs.36,30,969/- for which the Sri Gedela Apparao

could not give satisfactorily account for which lead to conclude that Sri Gedela Apparao acquired all assets by corrupt and dubious means. The Government, after examining the final report, accorded sanction for prosecution of Sri Gedela Apparao S/o late Markendeyulu Commercial Tax Office, Tenali-1, Guntur District vide reference 4th read above.

5. Whereas in the reference 5th read above, the Hon'ble High Court in its orders on W.P.No.25477/2014 filed by Sri Gedela Apparao, while disposing the Writ Petition permitted Sri Gedela Apparao to make fresh representation and directed that the respondent i.e., Government shall examine the same in the light of facts and take appropriate decision. While enclosing the court orders, the Sri Gedela Apparao has made a representation in the reference 6th read above explaining the facts of the case and requested the Government to drop further action.

6. The Government after careful examination of the matter observed that in the present case the interpretation of the Director General, Anti-Corruption Bureau is based on probability if not presumption and such an interpretation does not stand the judicial scrutiny in cases of criminal prosecution, wherein the facts in the issue shall be proved beyond reasonable doubt. If there is any preponderance of probability in respect of acquisition of property in benami names on the part of the delinquent officer, the same can be got enquired by the Tribunal for disciplinary proceedings. Therefore, the Government has decided to entrust the case to Tribunal for disciplinary proceedings for inquiry instead of prosecution.

7. Accordingly, the Government in exercise of the powers conferred under Rule 3 Andhra Pradesh Civil Services (Disciplinary Proceedings) Rules, 1989, here by order to entrust the case to Tribunal for disciplinary proceedings for inquiry instead of prosecution, duly rescinding the orders issued in the ref 4th read above. The Tribunal for Disciplinary proceedings shall conduct enquiry as per rules and submit its report to Government within the stipulated period.

8. The Director General, Anti-Corruption Bureau shall furnish the Part-B Note and all relevant documents in respect of accused officer to the Government on the allegations of acquisition of disproportionate assets to known sources of income for taking further action. The Director General, Anti-Corruption Bureau shall also direct the Public Prosecutor for withdrawal of the prosecution from the Anti Corruption Bureau Court.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director General,
Anti Corruption Bureau, Andhra Pradesh, Hyderabad
The Secretary, Tribunal for Disciplinary Proceedings,
Andhra Pradesh, Hyderabad

Copy to :

The Secretary to the Vigilance Commissioner,
Andhra Pradesh. Vigilance Commission, Hyderabad
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER

